IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 3531 of 2007(U)

PETITIONER:

SANTHA, W/O.KARTHIKEYAN, AGED 53 YEARS,
RESIDING AT THEKKUPARAMBIL, CHERUVARANAM-
VARANAM P.O., THANNEERMUKKAM NORTH VILLAGE,
KANJIKKUZHY PANCHAYAT WARD III, CHERTHALA TALUK.

BY ADV. SMT.C.G.BINDU

RESPONDENTS:
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1. SUB INSPECTOR OF POLICE,
MUHAMMA POLICE STATION, MUHAMMA.

2. T.SURESH,
CONVENOR, THANAL SWAYAM SAHAYA SANAGHAM,
REG.NO.P.D.S. W3/10/2004, CHERUVARNAM -
VARNAM P.O., KANJIKKUZHI PANCHAYATH.

3. BIJU T.P.,
S/O.PRABHAKARAN,
THEKKUPARAMBU, CHERUVARANAM- VARANAM P.O.,
KANJIKKUZHI PANCHAYATH.

4. KANJIKUZHI GRAMA PANCHAYATH,
REPRESENTED BY SECRETARY.

5. HEALTH INSPECTOR,
HEALTH CENTRE, THURUTHIPPALLI.

R1 & R5 BY G.P. SHRI P.A. SALIM
R2 TO R4 BY ADV. SRI.C.V.MANUVILSAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF THE TAX PAID RECEIPT DATED 15.5.2006

EXT.P2-TRUE COPY OF PROFESSIONAL TAX PAID RECEIPT DATED 30.3.2006

EXT.P2(A)-TRUE COPY OF LICENCE FEE RECEIPT DATED 30.3.2006

EXT.P3-TRUE COPY OF FORM OF COMMUNITY HEALTH CENTRE MUHAMMA AND COPY OF THE SAID INTIMATION FORM DATED 30.4.2006

EXT.P4-TRUE COPY OF SANCTION DATED 10.7.2006 GIVEN BY R4

EXT.P5-TRUE COPY OF COMPLAINT DATED 15.1.2007 FILED BY PETITIONER BEFORE R1

EXT.P6-TRUE COPY OF RECEIPT ISSUED BY R1 TO THE PETITIONER DATED 15.1.2007

EXT.P7-TRUE COPY OF PETITION DATED 2.2.2007 FILED BY PETITIONER BEFORE 41

EXT.P8-TRUE COPY OF COMPLAINT FILED BY PETITIONER BEFORE CIRLCE INSPECTOR OF POLICE, MARAKKULAM DATED 3.2.2007

EXT.P9-TRUE COPY OF NOTICE ISSUED BY CPI

EXT.P10-TRUE COPY OF NOTICE ISSUED BY CPI DATED 27.1.2007

RESPONDENTS' EXTS:

EXT.R4(A)-TRUE COPY OF COMPLAINT DATED 6.5.2006

EXT.R4(B)-TRUE COPY OF THE ENQUIRY REPORT DATED 8.5.2006

EXT.R4(C)-TRUE COPY OF MASS PETITION DATED 25.1.2007

EXT.R4(D)-TRUE COPY OF STOP MEMO DATED 7.2.2007

// TRUE COPY //

J.B. Koshy & T.R. Ramachandran Nair, JJ.

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W.P.(C).NO. 3531 of 2007-U

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Dated this the 15th day of February, 2007

JUDGMENT

Koshy, J.

Petitioner is running a pig farm. Even though the panchayat has given Ext.P4 permission to run the pig farm, the said permission is subject to the condition that it shall not cause obstruction to the neighbours. It is the case of the petitioner that she is being threatened by respondents 2 to 4, her neighbours. It is also submitted that petitioner wants to close down the pig farm and there are only 8 pigs now. We note that the petitioner has not obtained piggery license as per the rules. There are only 10 cents of land and even though at the time of Ext.P4, there were no serious objections, after starting Chickun Gunea and other contagious diseases in the area, neighbouring people raised objection.

The petitioner undertakes that she will close down the piggery and will not grow further pigs. It is also stated that she will dispose of the 8 pigs already in the farm within two weeks from today. So, the petitioner is allowed to sell of the 8 pigs within two weeks from today and that the petitioner shall not slaughter the pigs therein, and slaughtering of the pigs

can be done only in the licensed premises or unobjectionable places. After two weeks, the petitioner shall not in any way conduct the pig farm. But for two weeks, the activities of the petitioner in trying to sell or feed the pigs shall not be obstructed and police shall give necessary protection for the same.

The writ petition is disposed of in the above terms.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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